

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIO DE LA CRUZ ALMANZAR, individually and
on behalf of all others similarly situated,

Plaintiff,

-against-

BX AUTO CONCEPT CORP. and BRONX AUTO
CONCEPT CORP. and GERARDO ORTEGA, as an
individual,

Defendants.
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Civil Docket No.:
1:24-cv-06146-DEH-SDA

**DEFAULT
JUDGMENT ORDER**

This action was commenced by filing of a Summons and Complaint on August 13th, 2024.

A copy of the Summons and Complaint was served on Defendants as follows:

1. On August 21, 2024, Defendants, BX AUTO CONCEPT CORP. and BRONX AUTO CONCEPT CORP. and GERARDO ORTEGA, as an individual, were duly served with process on August 21, 2024 at the Defendants' usual place of business located at 230 Manida Street, Bronx, NY 10474, by personal delivery of Plaintiff's Summons and Complaint, personally received by personally received by Maranda (DOE) (refused full name), manager/managing agent, who provided verbal confirmation that he or she is authorized to accept by appointment or law to receive service on behalf of the Defendants.
2. Corporate Defendant BX AUTO CONCEPT CORP. was further served with process via the Office of the Secretary of State, on August 28, 2024, pursuant to N.Y. Business Corporation Law § 306, and proof of service was therefore filed on September 6, 2024.


3. Defendants BX AUTO CONCEPT CORP. and BRONX AUTO CONCEPT CORP. and GERARDO ORTEGA, as an individual, were required to interpose an answer due by September 11, 2024, which they failed to do.
4. Defendant GERARDO ORTEGA failed to develop any information that he wa in the military upon service of process on each of the above-referenced dates of service. Upon information and belief, Defendant GERARDO ORTEGA is not in the military nor dependent upon anyone in the military.
5. Upon information and belief, Defendant GERARDO ORTEGA is not an infant nor incompetent. Defendant GERARDO ORTEGA is an adult, and the owner of the Defendant corporate entities sued within.
6. Defendants BX AUTO CONCEPT CORP. and BRONX AUTO CONCEPT CORP. and GERARDO ORTEGA, as an individual, have failed to retain or be represented by counsel, nor have Defendants BX AUTO CONCEPT CORP. and BRONX AUTO CONCEPT CORP. and GERARDO ORTEGA, as an individual, formally appeared in this matter.
7. On October 16, 2024, counsel for Plaintiff filed Requests for Certificates of Default and such Default was noted by the clerk of the Court on October 16 & 17, 2024, as against Defendants BX AUTO CONCEPT CORP. and BRONX AUTO CONCEPT CORP. and GERARDO ORTEGA, as an individual, for their failure to appear or defend in this Action.
8. On October 21, 2024, Plaintiff served Defendants with true and correct copies of the Certificates of Default entered against Defendants, via certified United States First-Class Mailing, with proof of service and tracking annexed thereto.

9. Notwithstanding the foregoing, as of the date of this filing, at no point hereto have any of the Defendants responded to the complaint herein, moved, retained counsel on this matter, or otherwise appeared on this matter.
10. It is respectfully submitted that the Defendants have been properly served, are aware of Plaintiff's Complaint, and of pendency of this matter against them, and have failed or refused to appear or otherwise defend in this matter.
11. The Defendants herein have been properly served, are aware of Plaintiff's Complaint and of pendency of this matter against them and have failed or refused to appear or otherwise defend in this matter.
12. As of the date of this filing, Defendants have demonstrated no intention to appear.
13. Accordingly, it is hereby:

ORDERED, ADJUDGED AND DECREED: That Plaintiff ANTONIO DE LA CRUZ ALMANZAR, has a judgment against Defendants BX AUTO CONCEPT CORP. and BRONX AUTO CONCEPT CORP. and GERARDO ORTEGA, as an individual, jointly and severally. An order of reference to the assigned United States Magistrate Judge for an inquest as to damages will issue separately.

Dated: December 11, 2024

New York, New York



DALE E. HO
United States District Judge